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May 18, 2021

Hon. Jesse M. Furman
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 10007

Filed on ECF

United States v. Devonte Brown
20 Cr. 135 (JMF)

Dear Judge Furman:

We have been appointed to represent the defendant, Davonte Brown, under the Criminal Justice Act. We write at this point to seek a modest adjustment of Mr. Brown's "temporary release" conditions pending his surrender date, which has been extended by the Court to June 14, 2021, the date by which he will presumptively be "fully vaccinated." Within two weeks we intend to apply to the Court for an extension of that date in a more complete and formal submission, for reasons which including changed circumstances, continuing severe conditions at MCC and MDC, and material we have found in the discovery including his work record and dozens of communications with others discussing changes in his life that negate "risk of flight" and "danger to the community."

As the Court no doubt recalls, Mr. Brown was ordered remanded on May 1, 2020 but granted "temporary release" under the existing terms and conditions of his original bail. Those terms were put into place on March 20, 2020, and included "home incarceration" with "location monitoring," with the defendant permitted to leave only for "medical services" or with "PTS permission." Copies of the bail conditions set by this Court and the Court's order allowing for temporary release are attached as exhibits to this letter.

Since March 20 of last year, Mr. Brown has lived in his mother's apartment at 1382 Crotona Avenue, Bronx, New York, Apt. 3C, with his mother, who works full-time for the Parks Department, and his two younger maternal siblings, ages 18 and 12, who are in school. The building is a "traditional" 6-storey apartment building, not in a housing project, located two blocks from the Martin Van Buren playground in Crotona Park.

For the last fourteen months, Mr. Brown has been permitted to leave the building on approximately four occasions, to meet with us at our offices near the courthouse, to attend his in-person guilty plea, and to receive his first dose of the COVID vaccine. He has been completely compliant as to the conditions of his release. Every weekday during that lengthy period, he has cared for his 3-year-old daughter, [REDACTED], while [REDACTED] mother, Crystal, who lives about 7 bus stops away from Mrs. Brown's apartment, goes to work as a clerical assistant at a medical office . Crystal has relied on Mr. Brown to care for their daughter during this time so that she can continue working: she drops [REDACTED] off at Mrs. Brown's apartment every weekday between 8 and 9 am in the morning , goes to work, and then picks [REDACTED] up between 5 and 6 every night, and they go home. Mr. Brown, who is usually alone in the apartment with [REDACTED], feeds her, diapers her (she is "almost" but not quite fully trained) and plays with her inside. A photo of [REDACTED] is also attached as an exhibit to this letter. She is a beautiful, well-cared for child, who suffers from asthma and sometimes uses a breathing machine.

Mr. Brown would love to take his daughter to the park for an hour a few times per week. We have asked his Pre-Trial Officer, Joshua Rothman, their position on this, and they are opposed insofar as it is "not consistent with home incarceration." The Government also opposes.

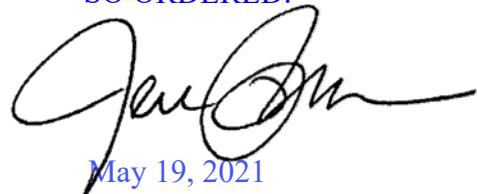
We believe allowing Mr. Brown to take his daughter to a specified local park for a set brief period such as an hour, three times per week, is a reasonable humanitarian request at this time. It is certainly in the best interests of [REDACTED] to be outside in the springtime and for both of them to have this bonding time together prior to Mr. Brown's possible need to surrender in the not-too-distant future. We therefore ask the Court to approve this request.

Very truly yours,

Bennett M. Epstein
Sarah M. Sacks

Application DENIED. The Clerk of Court is directed to terminate Doc. #394.

SO ORDERED.



May 19, 2021